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SOLANO COUNTY WATER AGENCY

September 22, 1999

Rick Breitenbach
CALFED Bay Delta Program
1416 9th Street, Ste. 1155
Sacramento, CA 95814

Dear Mr. Breitenbach:

This letter provides comments from the Solano County Water Agency on the June 1999 Draft Programmatic EIS/EIR for the CALFED Bay Delta Program. The Solano County Water Agency is a State Water Project Contractor for water supplies from the North Bay Aqueduct and is a federal contractor through the non-CVP Solano Project. The boundaries of the Water Agency also include parts of the Delta and the Suisun Marsh.

We have the following general comments:

1. CALFED's Solution Principle No. 6 states that "*solutions will not solve problems in the Bay-Delta system by redirecting significant negative impacts, when viewed in their entirety, within the Bay Delta or other regions of California.*" The phrase "*when viewed in their entirety*" concerns us. The Draft PEIS/EIR identifies that ecosystem restoration projects will be directed to the North Delta. This will create a situation where conversion of agricultural land to ecosystem restoration will be concentrated in one part of the Delta. This impact, "*when viewed in their entirety*" may not have an impact on a statewide basis however it will have a major impact in the North Delta. Although the Draft PEIS/EIR describes impacts in the Delta as a whole, there may be significantly greater impacts in the North Delta than in the South or Central part of the Delta. We feel it is important for CALFED to look specifically at the significant redirected negative impacts to the North Delta.

2. Ecosystem restoration projects are planned near the intake of the North Bay Aqueduct in the Barker Slough/Cache Slough area. Shallow water habitat projects which benefit species such as Delta Smelt and Sacramento Splittail, are planned. This will create more habitat for these special status species close to the intake of the North Bay Aqueduct. There is already a pumping restriction imposed by the US Fish & Wildlife Service on the North Bay Aqueduct when larval Delta Smelt are present. The shallow water habitat projects will create more larval Delta Smelt and will result in additional pumping restrictions on the North Bay Aqueduct. The Draft PEIS/EIR does acknowledge this problem but needs to identify a mitigation measure calling for a "Safe Harbor" provision exempting the North Bay Aqueduct intake from the Endangered Species Act restrictions as a part of the Stage 1 implementation program.

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3. The Ecosystem Restoration Program Plan includes recommendations for Putah Creek. The Solano County Water Agency has done extensive investigations into the hydrology and biology of Putah Creek. We are concerned that the only reference for Putah Creek is a document that was prepared as part of the instream flow litigation in Putah Creek. That document has not undergone peer review and our experts have substantial disagreements with its findings. Additionally, a Superior Court Judge also disagreed with a significant portion of the report.

4. CALFED's modeling results show that none of the CALFED alternatives will improve water quality for the North Bay Aqueduct Contractors. Although we are pleased to see that implementation of the Barker Slough watershed restoration program is included on the list of early implementation actions (Stage 1A), it is unclear as to what CALFED is committing to do. In addition, the Stage 1 list still contains an action to relocate the Barker Slough intake. We have commented on a number of previous versions of the Water Quality Program Plan and the previous draft EIS/EIR that the action is more appropriately stated as "provide an alternative intake for the NBA Contractors if the ecosystem restoration program actions have adverse impacts on water quality or result in further pumping restrictions at the Barker Slough Pumping Plant." We understand that a number of work groups are being formed to address south Delta actions. We invite CALFED staff to work with the existing NBA group that is conducting the Barker Slough Watershed Program. We would like to work with CALFED staff to lay out a decision process for determining (1) if implementation of the watershed program should proceed and (2) under what circumstances a decision should be made to construct an alternative intake for the NBA Contractors.

5. SCWA supports the proposal to establish a Delta Drinking Water Council to advise CALFED on changes needed in the CALFED Program to achieve drinking water quality objectives, and review work by independent expert panels related to drinking water issues. The Delta Drinking Water Council must include representatives from drinking water agencies taking water from the north, central, and south Delta. The water quality problems of the North Bay Aqueduct are different from the water quality problems in the south and central Delta. We urge CALFED to include a representative of the North Bay Aqueduct Contractors on the Council.

6. The Water Quality Program Plan includes narrative or numerical water quality targets for each water quality parameter of concern. The alternatives and programmatic actions should be evaluated in the EIS/EIR against these targets. Alternatively, the document should acknowledge that there is insufficient information currently available to evaluate the alternatives and actions with respect to all of the parameters of concern.

Comments on Revised Phase II Report

- In the third paragraph on page 43 under "Drinking Water Quality Improvement Strategy" there is reference to targets for Bromide and TOC at Clifton Court Forebay and other south and central drinking water intakes. This paragraph should clarify that these targets also apply to the North Bay Aqueduct which is commonly referred to as a North Delta intake. If CALFED is proposing targets different for the North Bay Aqueduct, this should be clearly identified and explained. Perhaps

CALFED meant to say that the North Bay Aqueduct is included as a Central Delta drinking water intake.

Multi-Species Conservation Strategy

On page 6-1 there is a list of Habitat Conservation Plans in the program area. Please add that the Solano County Water Agency is preparing an HCP for its water service area which includes most of Solano County. The HCP is just getting underway, but will be completed within six years. The HCP is a requirement of renewal of the Agency's Federal Solano Project Water Supply Contract.

Ecosystem Restoration Program Plan – Ecological Management Zone Visions

The discussion on page 68 and 69 for the North Delta Ecological Management Unit needs to indicate that the intake for the North Bay Aqueduct at Barker Slough is located in the vicinity of proposed shallow water habitat (Liberty Island, Little Holand Tract and Prospect Island) and that the establishment of these habitat could have a water quality impact on the North Bay Aqueduct and also result in an increase of entrainment of fish.

On page 339, the first full paragraph in the second column, the phrase "*this and other irrigation diversions reduce the flows to very low levels in all but wet years and in all months*". This phrase needs to be clarified. Diversions to the Putah South Canal from the Solano Diversion Dam are for Municipal and Industrial uses in addition to irrigation uses. This phrase is very generalized and appears to be inaccurate. The words "very low" should be quantified. Flows in this portion of Putah Creek have been essentially the same for 40 years since the construction of the Solano Project and have resulted in a habitat conducive to fish and wildlife. It is also inaccurate to say that the flows are very low "*in all months*". The Water Agency has extensive records on flows in Putah Creek and would be happy to provide them to more accurately describe the flows in Putah Creek.

On the first full paragraph on page 340 a statement is made that "*native fish populations are very low in Lower Putah Creek except for the two mile reach immediately below the Solano Diversion Dam*". This is incorrect. Data accumulated over the last several years have shown that the native fish populations are found throughout Putah Creek. The ratio of native to non-native fish does decrease further down the Creek from the Diversion Dam. However to say that the native fish population is "*very low*" is incomplete.

The same section goes on to state that *"the length of this reach is insufficient to insure the long term viability of the native fish assemblage and a goal is to restore these native fish to a state of good condition*". This is a judgement that was reached by a consultant hired to prepare a testimony for an instream flow trail in Putah Creek. This fact was disputed by other experts at the trail. It is inappropriate to put this type of statement in an environmental document that is to provide unbiased information to the public.

The paragraph with the above two statements are from a reference identified as "Trihey and Associates 1996". This plan was prepared by one set of the parties to a litigation. The plan was subject to intense scrutiny during the trail. Other experts disputed many of the finding in the plan and

the final judgement excluded many of the recommendations in the plan because they were not substantiated.

On page 347 under "*Restoration Targets and Programmatic Actions*" there is a series of recommendations to improve the situation in the Yolo Bypass and tributary streams, including Putah Creek, to encourage the migration of Salmon and Steelhead through the Yolo Bypass to spawn in Cache and Putah Creeks. The PEIS/EIR should acknowledge that a potential impact of these types of restoration actions could result in a future demand for more water released from storage from upstream reservoirs to augment flows in Cache Creek and Putah Creek. The Multi Species Conservation Strategy should address the need for "Safe Harbor" provisions such that these restoration actions can happen and be supported by local agencies without the threat of losing water supplies.

Programmatic EIS/EIR

Page 5.3-2, Preferred Program Alternative – This section does not contain any discussion of the impacts of the Preferred Program Alternative on the North Bay Aqueduct water quality. The impacts on all Delta export and diversion locations need to be analyzed. There should also be a discussion of the potential impacts (increased TOC) resulting from the Ecosystem Restoration Program.

Page 5.3-4, Mitigation Strategies #1 – Total dissolved solids is excluded from the list of constituents of concern that should be controlled through improved treatment at wastewater treatment plants. TDS is a significant constituent of concern that must be included in this list.

Page 5.3-5, TOC Drinking Water Concerns – There are other significant "factors that are currently unknown" that should be described in this section. We do not currently have adequate knowledge of the existing or baseline concentrations of TOC at key locations in the Delta and the tributaries. We do not have data on the loads of TOC from the various sources and we do not know the extent to which any of the CALFED actions can reduce TOC at the Delta pumping plants, including the NBA Barker Slough Pumping Plant.

Page 5.3-9, Beneficial Uses, Water Quality Objectives, and Pollutants of Concern – While it is accurate that many water quality objectives for environmental beneficial uses are more stringent than their corresponding drinking water objectives, there are also drinking water standards for some constituents (TOC, TDS, pathogens) for which there are not corresponding environmental objectives.

Page 5.3-10, Table 5.3-1 – "Nutrients" should be revised to include nitrate, nitrite, ammonia, organic nitrogen, total phosphorus, and soluble reactive phosphorus. This change was recommended by the Parameter Assessment Team on 1/28/98 and approved by the Water Quality Technical Group on 2/25/98.

Page 5.3-12, Total and Dissolved Organic Carbon – The statement in the second paragraph implies that the DOC concentration at Barker Slough during the wet season is around 6 mg/L. In a 1996-1997 DWR study, concentrations of DOC ranged from 6 to 13 mg/L and TOC ranged from 6 to

20 mg/L at the Barker Slough Pumping Plant. The minimum concentration during the wet season is around 6 mg/L but much higher concentrations are frequently found.

Page 5.3-23, Ecosystem Restoration Program - CALFED fails to address the increased mercury methylation potential caused by the habitat restoration proposed under CALFED's preferred alternative, as well as the other alternatives. There is increasing data (including USGS data from the Bay-Delta) that shows shallow water bodies with long detention times and vegetation have substantially higher levels of methylated mercury, the form of mercury that it bioaccumulated by aquatic species and poses the greatest threat to human and ecosystem health. The report does not mention this relation and possible result of implementing the CALFED program (although it is alluded to in the Water Quality Program Plan).

Page 5.3-24, Ecosystem Restoration Program – The potential increase in TOC resulting from increased wetlands is especially problematic for the NBA Contractors because the north Delta, near the Barker Slough Pumping Plant, has been targeted for wetlands development and the TOC concentrations at the Barker Slough Pumping Plant already greatly exceed the TOC target of 3 m/L. In addition, several NBA Contractors do not have the ability to switch to alternative high quality sources of drinking water.

Page 5.3-25, Water Quality Program – The preferred alternative does not include relocating water supply intakes to areas with better water quality so the statement that municipal users of Delta water will benefit from relocating intakes should be removed from this section.

Page 5.3-32, Preferred Program Alternative - Calfed should acknowledge that modeling preformed for the EIS/EIR shows that the preferred program alternative will have no impact on NBA water quality during all year types and will have minimal impact during dry and critical years even if storage is constructed. The statement that "the Preferred Program Alternative is projected to improve in-Delta and export water quality" should be modified to state that although most Delta exporters and diverters will benefit from improved water quality, the NBA Contractors will not benefit.

Page 5.3-35, Other SWP and CVP Service Areas – It is difficult to understand how reduced diversions in Barker Slough as a result of extending the Tehama-Colusa Canal to the NBA or relocating the NBA intake to the Sacramento River, could result in "less dilution of pollutants in Barker Slough and contiguous channels." This statement needs to be further explained in the EIS/EIR.

Water Quality Program Plan

Page 3-3, Problem Statement – Drinking water agencies have as a primary goal protection of public health. Meeting drinking water standards is only one step towards that goal. The last sentence on the page should be changed to read, "...to meet drinking water regulations *and protect public health.*"

Page 3-12 to 3-18 – This section contains a description of priority actions, information needed, and existing activities. It is difficult to distinguish between the priority actions and the

information needed. There does not seem to be a direct correspondence between the priority actions described in this section and the Stage 1A or Stage 1 actions described in Section 12. Is CALFED committing to conducting the studies to gather the information needed or simply identifying the information needs? Do those studies become CALFED priority actions? These comments apply to all of the other sections in this chapter in which priority actions are discussed.

Page 3-15, Evaluation of drinking water treatment options - The CALFED Program will have important impacts on utilities' plans for future treatment options and utilities' planning in turn will affect the development of the CALFED Water Quality Program. A close working relationship, in particular through adequate representation of utilities on the Delta Drinking Water Council, needs to be in place to assure efficient processes for both utilities' and CALFED planning.

Page 3-17 and 3-18 – The MWQI Program is not undertaking all of the activities listed in this section of Existing Activities. MWQI, with funding provided by the urban State Water Contractors, sponsored the jar test study on agricultural drainage treatment. All of the other activities listed on these two pages should be included in the comprehensive study of agricultural drainage management.

Page 3-19, Livestock grazing – Dairies and other confined animal feeding operations should be included as potential sources of pathogens, TOC, nutrients, and TDS. Better enforcement of existing regulations is needed to control these sources of pollutants. CALFED could provide financial assistance for BMPs and support the Regional Board's efforts to bring more dairies into compliance.

Page 3-21, Priority Actions - The water quality in the NBA watershed is considered poorest for TOC and turbidity. In addition, a potential alternative intake location is the *Tehama-Colusa Canal*, not the *Colusa-Tehama Canal*.

Page 7-8, Source Control and Drainage Reduction - The reason for assuming a limit of 25% of irrigated land needs to be explained.

If you have any questions about these comments please contact me at (707) 451-2904.

Sincerely,

David B. Okita
General Manager

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